

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HERMAN OVERPECK, et al.,

Plaintiffs,

v.

FEDEX CORPORATION, et al.,

Defendants.

Case No. 18-cv-07553-PJH

**ORDER DENYING MOTION FOR
RELIEF FROM NONDISPOSITIVE
PRETRIAL ORDER OF MAGISTRATE
JUDGE**

Re: Dkt. No. 103

Before the court is defendant FedEx Ground Package System, Inc.'s ("FedEx Ground" or "defendant") motion pursuant to Federal Rule of Civil Procedure 72(a) and Civil Local Rule 72-2 for relief from a discovery order issued by Magistrate Judge Ryu. Plaintiffs Herman Overpeck, Kevin Sterling, and Shannon Sobaszekiewicz ("plaintiffs") have not filed a response.

A district court's review of a magistrate judge's pretrial order is conducted under a "clearly erroneous" or "contrary to law standard." Fed. R. Civ. P. 72(a). A magistrate judge's resolution of a discovery dispute is "entitled to great deference." Doubt v. NCR Corp., No. 09-cv-5917-SBA, 2011 WL 5914284, at *2 (N.D. Cal. Nov. 28, 2011). A district court should not overturn a magistrate judge's order simply because it "might have weighed differently the various interests and equities," but rather it "must ascertain whether the order was contrary to law." Rivera v. NIBCO, Inc., 364 F.3d 1057, 1063 (9th Cir. 2004).

Defendant objects to Judge Ryu's order in favor of plaintiffs requiring FedEx Ground to produce certain electronically stored information. Judge Ryu weighed the

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burden of producing the documents against the potential probative value. The court finds nothing in Judge Ryu’s order that is clearly erroneous or contrary to law. Accordingly, defendant’s motion is DENIED.

IT IS SO ORDERED.

Dated: April 6, 2020

/s/ Phyllis J. Hamilton
PHYLLIS J. HAMILTON
United States District Judge